

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TERRI PECHNER-JAMES and SONIA)
FERNANDEZ,)
Plaintiffs,)

v.)

C.A. No. 03-12499-MLW

)
CITY OF REVERE, THOMAS AMBROSINO,)
MAYOR, CITY OF REVERE POLICE)
DEPARTMENT, TERRENCE REARDON,)
CHIEF OF POLICE, BERNARD FOSTER,)
SALVATORE SANTORO, ROY COLANNINO,)
FREDERICK ROLAND, THOMAS DOHERTY,)
JOHN NELSON, JAMES RUSSO, MICHAEL)
MURPHY and STEVEN FORD,)
Defendants,)

**AFFIDAVIT OF WALTER H. PORR, JR., IN SUPPORT OF DEFENDANTS'
COMBINED OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL**

I, Walter H. Porr, Jr., do hereby depose and state:

1. I am an Assistant City Solicitor for the City of Revere and have been so employed since December 13, 2004. I am an attorney of record for Defendants, City of Revere, the City of Revere Police Department, Mayor Thomas G. Ambrosino and Chief Terence Reardon, in this action.

2. On Thursday, September 28, 2006, I received ECF notification of and downloaded Plaintiffs' Motions to Compel Mayor Ambrosino's and Chief Reardon's answers to interrogatories, the related certificates of consultation and the Exhibit package (Docket Nos. 242 – 244). On Monday, October 02, 2006, I reviewed these pleadings in detail, examined the prior motions to compel (Docket Nos. 202 and 203 and 224 through 230), as well as my prior oppositions (Docket Nos. 204 and 205).

3. Based upon my review of the foregoing, I then prepared the combined opposition to the current motions to compel, as well as this affidavit. Once completed, I then filed these pleadings by ECF.

4. Attached to Plaintiffs' Exhibit package (Docket No. 244) are two letters written by me and sent to Attorney Dilday (Exhibits 6 and 8, respectively). Both of these letters truly and accurately reflect the facts and circumstances surrounding the interrogatory issue as I understand it and which is the subject of Plaintiffs' motions. My second letter included my notes from my conversation with Attorney Dilday on June 22, 2006. A true and accurate copy of said notes are attached to the Combined Opposition as Exhibit "A."

5. I spent at least four (4) hours on the tasks necessary for the preparation and filing of the combined opposition and this affidavit.

6. I estimate that should this matter require a hearing, an additional two (2) hours of time will be consumed by the travel to and from the Courthouse and by the hearing itself.

7. The City of Revere is seeking sanctions in the amount of \$250.00 per hour based upon the Court's sanction award in Docket No. 244. Thus, the Defendants are seeking sanctions in the amount of \$1,500.00 pursuant to Federal Rules of Civil Procedure, Rule 37(a)(4)(B).

Signed under the pains and penalties of perjury this 2nd day of October, 2006.

Respectfully submitted,

/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.

CERTIFICATE OF SERVICE

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere, the City of Revere Police Department, Mayor Thomas G. Ambrosino and Chief Terence Reardon, hereby certify that I have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I caused to be served upon counsel of record, at the address stated below, via the method indicated, a true copy of same:

James S. Dilday, Esq.
Grayer & Dilday, LLP
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Attorneys for the Plaintiffs
Via CM/ECF e-mail

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Roy Colannino, Frederick Roland,
Thomas Doherty, John Nelson,
James Russo, Michael Murphy,
and Steven Ford
Via CM/ECF e-mail

/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.,

Dated: October 2, 2006